

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EDDIE LEE HARRIS,)	CASE NO. CV 11-7511-PA (PJW)
)	
Petitioner,)	ORDER TO SHOW CAUSE WHY PETITION
)	SHOULD NOT BE DISMISSED
v.)	
)	
UNKNOWN,)	
)	
Respondent.)	

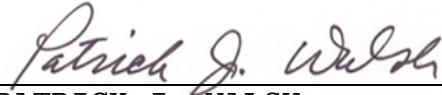
On September 12, 2011, Petitioner filed a Petition for Writ of Habeas Corpus, seeking to challenge his October 2006 state convictions for shooting at an inhabited dwelling and discharging a firearm from a vehicle. (Petition at 2; Petition, Exh. 15.) In the Petition, he claims that the trial court improperly denied his motion for a new trial, his due process rights were violated by an unduly suggestive field identification and by prosecutorial misconduct, and his trial counsel provided ineffective assistance. (Petition at 1-2.) For the following reasons, Petitioner is ordered to show cause why his Petition should not be dismissed because it is time-barred.

State prisoners seeking to challenge their state convictions in federal habeas corpus proceedings are subject to a one-year statute of limitations. 28 U.S.C. § 2244(d). Here, Petitioner's conviction

1 became final on October 7, 2008--90 days after the state supreme court
2 denied his petition for review and the time expired for him to file a
3 petition for writ of certiorari with the United States Supreme Court.
4 See *Bowen v. Roe*, 188 F.3d 1157, 1158-59 (9th Cir. 1999). Therefore,
5 the statute of limitations expired one year later, on October 7, 2009.
6 See *Patterson v. Stewart*, 251 F.3d 1243, 1246 (9th Cir. 2001).
7 Petitioner, however, did not file this Petition until September 2011,
8 almost two years after the deadline.

9 IT IS THEREFORE ORDERED that, no later than **October 17, 2011**,
10 Petitioner shall inform the Court in writing why this case should not
11 be dismissed with prejudice because it is barred by the statute of
12 limitations. Failure to timely file a response will result in a
13 recommendation that this case be dismissed.

14 DATED: September 15, 2011

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17 PATRICK J. WALSH
18 UNITED STATES MAGISTRATE JUDGE
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